

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ROOSEVELT L. WILLIAMS, #541415,

Plaintiff,

v.

Case No. 14-11340

N. SMITH, FNU SCHAFER,  
FNU WEIBERG, ARLENE EDWARDS,  
S. BUSKIRK, R. WRIGHT, and  
FNU SMITH,

Defendants.

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**ORDER DISMISSING CASE WITHOUT  
PREJUDICE UNDER 28 U.S.C. § 1915(g)**

Plaintiff Roosevelt L. Williams is a state prisoner at Marquette Branch Prison in Marquette, Michigan. He recently filed a *pro se* civil complaint titled “In the Nature of [Third Party Affidavit in Support of Breach of Contractual Obligation Tort Claim] pursuant to [28 U.S.C.]”

Plaintiff did not prepay the filing fee for this action, and a review of his litigation history indicates that three of his prior federal cases were dismissed for failure to state a claim. Under the “three strikes” provision of the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321-66 (1996), a prisoner may not bring a civil action without prepayment of the filing fee “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.” 28 U.S.C. § 1915(g). An

exception to this rule exists when “the prisoner is under imminent danger of serious physical injury.” *Id.*

The following three cases were filed by Plaintiff when he was a prisoner, and each case was dismissed for failure to state a claim: *Williams v. Winnicki, et al.*, No. 2:08-cv-00069 (W.D. Mich. June 19, 2008); *Williams v. Mumma, et al.*, No. 2:08-cv-00043 (W.D. Mich. June 23, 2008); *Williams v. Caruso, et al.*, No. 2:08-cv-00036 (W.D. Mich. Aug. 12, 2008). Furthermore, Plaintiff has been notified on four occasions that he has “three strikes.” See *Williams v. Switalski, et al.*, No. 4:12-cv-15547 (E.D. Mich. Mar. 4, 2013); *Williams v. State of Michigan, et al.*, No. 5:10-cv-12264 (E.D. Mich. June 17, 2010); *Williams v. Angel, et al.*, No. 2:09-cv-14556 (E.D. Mich. Aug. 4, 2010 and Oct. 28, 2011); *Williams v. Hotchkiss*, No. 2:08-cv-13959 (E.D. Mich. Oct. 22, 2008). And nothing in the pending complaint even remotely suggests that Plaintiff is in imminent danger of serious physical injury. Accordingly,

IT IS ORDERED that the complaint is summarily DISMISSED under 28 U.S.C. § 1915(g). This dismissal is without prejudice to the filing of a new complaint with prepayment of \$350.00 for the filing fee and an administrative fee of \$50.00.

IT IS FURTHER ORDERED that an appeal from this decision would be frivolous and could not be taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 29, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 29, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522